

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl.No. : 10/077,345 Confirmation No. 2492
Applicant : Roger L. HASKIN et al.
Filed : February 15, 2002
TC/A.U. : 2177
Examiner : Srirama T. CHANNAVAJJALA
Docket No. : POU920020010US1
Customer No. : 23334

VIA FACSIMILE (703) 872-9306

MS- AMENDMENT

Commissioner for Patents

P.O.Box 1450

Alexandria VA 22313-1450

Attention: Examiner Srirama T. CHANNAVAJJALA**TERMINAL DISCLAIMER**

Sir:

The following Terminal Disclaimer is being submitted with Applicants' Response With Amendment in response to the Office Action dated July 1, 2004, in connection with the above-identified application.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on

the date October 1, 2004Signature: Karen TaragowskiBy: Karen Taragowski

Applicant, Assignee, or Representative

TERMINAL DISCLAIMER

Your petitioner, INTERNATIONAL BUSINESS MACHINES CORPORATION, having its principal place of business at New Orchard Road, Armonk, New York, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application and invention covered thereby as established by the assignment recorded at Reel 012618, Frame 0785. The assignment documents have been reviewed and INTERNATIONAL BUSINESS MACHINES CORPORATION certifies that to the best of its knowledge and belief, title to the above-identified application is in the name of INTERNATIONAL BUSINESS MACHINES CORPORATION. (37 C.F.R. § 3.73(b))

INTERNATIONAL BUSINESS MACHINES CORPORATION hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the date of the full statutory term for Application No. 10/077,246 (now U.S. Publication No. 2003/0158873) filed on February 15, 2002 and Application No. 10/077,320 (now U.S. Publication No. 2003/0158862) filed on February 15, 2002. INTERNATIONAL BUSINESS MACHINES CORPORATION hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be held by the same entity holding the legal title to Application No. 10/077,246 (now U.S. Publication No. 2003/0158873) filed on February 15, 2002 and Application No. 10/077,320 (now U.S. Publication No. 2003/0158862) filed on February 15, 2002. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, and assigns.

INTERNATIONAL BUSINESS MACHINES CORPORATION does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term of Application No. 10/077,246 (now U.S. Publication No. 2003/0158873) filed on February 15, 2002 and Application No. 10/077,320 (now U.S. Publication No. 2003/0158862) filed on February 15, 2002, in the event that Application No. 10/077,246 (now U.S. Publication No. 2003/0158873) filed on

February 15, 2002 and Application No. 10/077,320 (now U.S. Publication No. 2003/0158862) filed on February 15, 2002 later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term.

I hereby aver that I have the authority of INTERNATIONAL BUSINESS MACHINES CORPORATION to make all statements, representations, and agreements set forth herein and that I am empowered to sign this document on behalf of INTERNATIONAL BUSINESS MACHINES CORPORATION. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: October 1, 2004

By: 

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